

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No. 10 CV2886
v.)	
)	Judge Robert M. Dow, Jr.
INGRID MITCHELL,)	
)	
Defendant.)	
)	

ORDER

Before the Court is the United States' request for the entry of a default judgment against Defendant Ingrid Mitchell [40]. For the reasons stated below, the Court adopts Magistrate Judge Brown's report and recommendation [53] that the Court enter the requested default judgment against Defendant Mitchell in the amount of \$9,676.41 plus any interest accrued to the date of the judgment.

STATEMENT

The United States filed a complaint [1] alleging that an outstanding balance remained past due on a student loan of Defendant Ingrid Mitchell. The Court referred the matter to Magistrate Judge Brown for further proceedings [7]. Defendant filed an answer to the complaint [5], after which the United States filed an amended complaint [11] and then a second amended complaint [24]. The second amended complaint alleges that on or about August 16, 1999, Defendant Ingrid Mitchell executed a promissory note pursuant to the provisions of Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1071 - 1087-2. The United States alleges that Defendant defaulted on the obligation on December 4, 2004. Although the United

States demanded payment, an outstanding balance remains past due on this loan.

After Defendant failed to file an answer to the second amended complaint and failed appear at several status hearings, Magistrate Judge Brown cautioned Defendant [39] that these failures could result in adverse consequences, including a judgment against her. The United States then requested that the Court enter default judgment [40] against Defendant. Initially, Magistrate Judge Brown only granted the United States' request in part [44], because of uncertainty with respect to the Government's calculation of the amount owed. This uncertainty has been clarified and the Government has provided a proper calculation of the amount of Defendant's indebtedness. Accordingly, Magistrate Judge Brown now recommends [53] that default judgment be entered against Defendant Ingrid Mitchell in the amount of \$9,676.41 plus any interest accrued to the date of the judgment.

This Court's review of a magistrate judge's report and recommendation is governed by 28 U.S.C. § 636(b)(1), which provides in part:

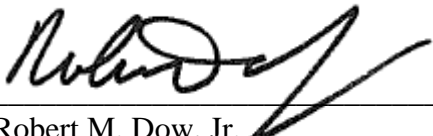
A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.

The statute permits objections to a magistrate judge's report and recommendation to be made within fourteen days of service of a copy of the report. *Id.*; see also Fed. R. Civ. P. 72(b) (setting forth procedures for objecting to a magistrate judge's report and recommendation and the district court's resolution of any objections).

As of the date of this order, no objection to the Report and Recommendation has been filed, and the time for making objections has now passed. Having carefully reviewed the Report and Recommendation prepared by Judge Brown, as well as the complete record of the matter, the

Court adopts the Report and Recommendation [53] in its entirety and accepts the recommended disposition. Accordingly, the Court enters a default judgment against Defendant Ingrid Mitchell in the amount of \$9,676.41 plus any interest accrued to the date of the judgment.

Dated: November 7, 2013



Robert M. Dow, Jr.
United States District Judge